

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 1242 OF 2005

Balkrishna Bajirao Kadam & Ors. ...Petitioners

Versus

Bhimprasad Baburam Joshi & Anr. ...Respondents

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Mr. B.B. Tiwari i/b M/s. Eva Almedia, for
Petitioners

Mr. J.D. Khairnar with Mr. R.M. Dongare for
Respondent No.1.

Ms. S.V. Gajare, A.P.P. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 10TH JUNE, 2005

P. C.:-

1. Heard the learned advocate for the petitioners, the learned advocate for the respondent i.e. the original complainant and the learned A.P.P. for the State.

2. The petitioners are seeking quashing of process issued against them under Section 365 of I.P.C. in C.C.No.101/2005 which is filed before the J.M.F.C. Pimpri. It is the case of the complainant that he was married to the daughter of the petitioner No.1. The petitioner No.2 is the brother of petitioner No.1 and petitioner No.3 is father-in-law of the petitioner No.1. It is the further case of the

complainant that there was love and affair between him and the daughter of the petitioner No.1. His wife i.e. daughter of petitioner No.1 is a doctor and both of them have got married. However, this fact was not liked by her family members. Hence, they threatened to his wife to end the marriage. It is the further case of the complainant that on 24.7.2004 the complainant left for his work in the morning and had been to the office of Mr. Subhash Kale (witness No.1) at Pimpri at about 1.45 p.m.. The petitioners came to the office of Mr. Kale and dragged the complainant and pushed him in the Sumo vehicle bearing No. MH-11-H-8557. The complainant has specifically stated in his complaint that three persons i.e. the petitioners were in the said vehicle and the said vehicle was driven by an unknown driver. The complainant further stated that after the abduction the accused were asking the complainant to divorce his wife and end the marriage. The complainant has further stated that the said act of abduction ended and accused released the complainant at Dapodi in the night.

3. Three witnesses have been examined in the said case i.e. Subhash Kale, Rajendra Kale and Mrs. Sheetal Joshi who is the daughter of the petitioner No.1 and the wife of the complainant. On reading the complaint and perusing the record it is seen that the

offence under Section 365 of I.P.C. is made out against the petitioners. There is sufficient

material to proceed against the petitioners. Hence, no case is made out for quashing the complaint.

4. Criminal writ petition is rejected summarily.
